IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

RPFC.No. 472 of 2007()

MC.74/2005 of FAMILY COURT, KANNUR
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PETITIONER COUNTER PEITIONER

PRADEEP KUMAR KALLATH,
S/O.NEELAMBATH RAGHAVAN,
AGED 34 YEARS, RESIDING AT GEETHANJALI,
VELLUR (PO) PAYYANNUR,KANNUR DIST.

BY ADV. SRI.M.SASINDRAN
SRI.M.V.BIPIN

RESPONDENTS: PETITIONER

RAHUL PRADEEP R.V.,AGED 9 MONTHS (MINOR)
REPRESENTED BY MOTHER RAMADEVI VAIKKATH,
D/O.P.P.KUNHIRAMAN, AGED 38 YEARS,RAHUL NIVAS
PUKKAL, ARAVANCHAL P.O.,VIA,PAYYANNUR,
KANNUR DISTIRICT.

BY ADV. SMT.P.A.ANITHA

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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R.P.(F.C) NO. 472 OF 2007

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Dated this the 13th day of November, 2007.

ORDER

Heard both sides.

2. The revision petitioner, who was the counter petitioner in M.C. No. 74/2005 on the file of the Family Court, Kannur, challenges the final order dated 14.08.2006 passed by that court directing the revision petitioner to pay to the applicant-minor child maintenance at the rate of Rs.1000/- per month from 09.02.2005 onwards.

3. Admittedly, the impugned order is an ex parte order in which the revision petitioner did not participate during the trial. Therefore, I am inclined to grant an opportunity to substantiate his defence if any. However, he cannot have the luxury of a remand without paying anything towards past maintenance. Accordingly, if the revision petitioner deposits a sum of Rs.15,000/- (Rupees fifteen thousand only) before the Family Court, Kannur within one month from today, the petition filed by the revision petitioner to set aside the ex parte order will stand

allowed and the revision petitioner will be entitled to cross examine the deponent of the proof affidavit and shall also be entitled to adduce such rebuttal evidence as he deems fit. If the amount as ordered above is not deposited, the impugned order will stand confirmed. The parties shall appear before the Family Court without any further notice on **14.12.2007**.

The R.P (F.C) is diposed of accordingly.

V. RAMKUMAR, JUDGE.

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